

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
Rhone-Poulenc Basic)	Administrative Order
Chemicals Company)	
)	EPA-5-99-113(a)-IL-3
Proceeding Pursuant to)	
Sections 113(a)(3) and 114)	
(a)(1) of the Clean Air Act,)	
42 U.S.C. §§ 7413(a) and)	
7414(a)(1))	

STATUTORY AUTHORITY

This Administrative Order is issued by the Director of the Air and Radiation Division, United States Environmental Protection Agency ("U.S. EPA"), Region 5, pursuant to Section 113(a)(3) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(3). Pursuant to Section 113(a)(3) of the Act, whenever on the basis of any information available to the Administrator of U.S. EPA ("Administrator"), the Administrator finds that any person has violated or is in violation of any requirement set forth in an information request issued pursuant to Section 114 of the Act, 42 U.S.C. § 7414, (Section 114 Request), the Administrator may issue an Order requiring such person to comply with such requirement. Authority to issue such Orders has been delegated by the Administrator to the Director of the Air and Radiation Division.

Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1), authorizes the Administrator to require any person who owns or operates an emission source or who is subject to any requirement of the Act, to sample emissions and provide information required by the Administrator, among other things. Authority to require the submittal of information and emission sampling pursuant to Section 114(a)(1) has been delegated by the Administrator to the Director of the Air and Radiation Division.

FINDINGS

Rhone-Poulenc Basic Chemicals Company (Rhone-Poulenc) owns and operates two chemical manufacturing facilities, located at 1101 Arnold Street, Chicago Heights, Illinois, 60411, and at 612 East 138th Street, Chicago, Illinois, 60627, respectively.

Both Rhone-Poulenc facilities cited above are "emission sources" as contemplated within the meaning of Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1), and are therefore subject to the requirements of Section 114(a)(1) of the Act which governs requests for information by U.S. EPA.

On November 19, 1998, the Director of the Air and Radiation Division, Region 5, U.S. EPA, issued Section 114 Requests to the Rhone-Poulenc for its Chicago Heights facility and its Chicago facility, respectively, copies of which are attached hereto as Exhibit 1.

As more specifically stated in the Section 114 Requests, U.S. EPA required Rhone-Poulenc to submit information for both facilities regarding particulate emissions sources, air pollution control equipment, and stack test results; if no stack tests had been conducted since January 1, 1995, Rhone-Poulenc was required to conduct stack tests and submit stack test reports.

The Section 114 Requests required Rhone-Poulenc to respond within thirty (30) days of its receipt of the Section 114 Requests (Exhibit 1), to submit stack test protocols, if necessary, within thirty (30) days of Rhone-Poulenc's receipt of the Section 114 Requests, and to conduct any necessary stack testing within thirty (30) days of U.S. EPA approval of the stack test protocol(s).

Rhone-Poulenc received both Section 114 Requests, but has failed to submit any of the requested information to the U.S. EPA within the time periods that were specified in the Section 114 Requests and, to date, has failed to provide any responsive information to the U.S. EPA.

Based on the foregoing, U.S. EPA finds Rhone-Poulenc to be in violation of the requirements of the Section 114 Requests issued to Rhone-Poulenc pursuant to Section 114 of the Act, 42 U.S.C. § 7414.

ORDER

Therefore, pursuant to Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), it is hereby ORDERED that:

Rhone-Poulenc must comply immediately with all requirements set forth in the Section 114 Requests. Specifically, Rhone-Poulenc must submit all information specified in the Section

114 Requests, submit any necessary test protocols, and conduct any necessary stack testing, for both facilities. Test protocol(s) must be submitted within 30 days of the effective date of this Order for U.S. EPA approval. Stack testing must be conducted within 45 days of the effective date of this Order. Agency personnel, as specified in the Section 114 Request, must be notified of stack testing date(s) at least 15 days prior to the test(s). Stack test reports are due within 30 days after completion of the stack testing.

All submittals shall be sent to: Attn: Compliance Tracker, Air Enforcement and Compliance Assurance Branch (AE-17J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

GENERAL PROVISIONS

This Order in no way affects Rhone-Poulenc's responsibility to comply with other local, State, and Federal laws and regulations.

Nothing in this Order shall be construed as a waiver by U.S. EPA of any rights or remedies under the Act. U.S. EPA reserves the right to seek appropriate relief, including penalties, under Sections 113(b) and 113(d) of the Act, 42 U.S.C. §§ 7413(b) and 7413(d), and any other applicable Sections of the Act, for any violations of the Act by Rhone-Poulenc.

Nothing in this Order shall be construed to restrict in any way, U.S. EPA's authority under Section 114 of the Act, 42 U.S.C. § 7414.

Nothing in this Order shall be construed as a waiver by U.S. EPA of Rhone-Poulenc's obligation to comply with the schedule set forth by the U.S. EPA in its November 19, 1998, Section 114 Requests.

Failure to comply with this Administrative Order may subject Rhone-Poulenc to penalties, pursuant to Section 113 of the Act, 42 U.S.C. § 7413, of up to \$27,500 per day of violation.

Section 113(a)(4) of the Act, 42 U.S.C. § 7413(a)(4), requires that an Order shall not take effect until the person to whom it is issued has had an opportunity to confer with U.S. EPA concerning the alleged violation. Therefore,

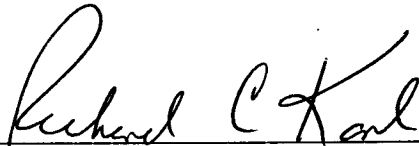
U.S. EPA is providing to Rhone-Poulenc an opportunity to confer with the U.S. EPA concerning this Order. Rhone-Poulenc can schedule a conference with U.S. EPA by contacting Bonnie Bush, Air Enforcement and Compliance Assurance Branch (AE-17J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, or phoning her at (312) 353-6684 within fifteen (15) days of Rhone-Poulenc's receipt of this Order. If Rhone-Poulenc does not contact U.S. EPA within fifteen (15) days of Rhone-Poulenc's receipt of this Order, the Order shall become effective on the fifteenth day.

The provisions of this Order shall apply to and be binding upon Rhone-Poulenc, its officers, directors, agents, servants, employees, assignees and any successors in interest. Rhone-Poulenc shall give notice of this Order to any successors in interest, prior to transfer of ownership, and shall simultaneously verify to U.S. EPA, Region 5, at the above address, that such notice has been given.

This request is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation.

All information collected pursuant to this Order can be used for civil, criminal, and administrative enforcement purposes.

2 - 8 - 99
Date


Richard C. Karl, Acting Director
Air and Radiation Division

Enclosures

CERTIFICATE OF MAILING

I, Betty Williams, do hereby certify that an Administrative Order Pursuant to the Clean Air Act was sent by Certified Mail, Return Receipt Requested, to:


Rick Lijana, Plant Manager
Rhone-Poulenc Basic Chemicals Company
1101 Arnold Street
Chicago Heights, Illinois 60411

I also certify that a copy of the Administrative Order Pursuant to the Clean Air Act was sent by First Class Mail to:

David Kolaz, Chief
Compliance and Systems Management Section
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

Harish Narayan, Acting Regional Manager
Illinois Environmental Protection Agency
Chicago Regional Office
1701 South First Avenue - Suite 1202
Maywood, Illinois 60153

on the 8th day of February 1999.


Betty Williams, Secretary
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: P140 894 302